IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2288 OF 2005
IN
SUM.CRIMINAL CASE NO.1080/C/2002

M/s.Archana Industries
Transformers Pvt.Ltd.
and Anr. ..Petitioners

Vs.

M/s.Alfa Lamination & Anr. ..Respondents

...

Mr.Leroy Collaco & Associates for
Petitioners
Mr.K.T.Babu for Respondent no.1
Mr.R.S.Khadapkar A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 26,2005

P.C.

1. Heard the learned advocate for the petitioners, learned advocate for the respondent no.1-complainant and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of proceedings relating to Criminal Case No.1080/C/2002 which is pending before the

Metropolitan Magistrate, Vikhroli. In the said case, process has been issued against the petitioners under Section 138 of Negotiable Instruments Act. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside. It is further submitted that if the process issued against the petitioners is set aside, the proceedings in respect of the petitioners would come to an end.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned

Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

. The learned advocate for the respondent no.1-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]